

## **Testimony of Marta Daniels**

### **In Support of the *National Popular Vote Bill*, SB 5126**

**GAE Committee of the CT State Legislature, Hartford, CT,**

**Feb. 24, 2014**

My name is Marta Daniels from Chester, CT. I am testifying in favor of the *National Popular Vote Bill*, CT SB 5126, a compact with other states to award all of our Electoral College votes to the Presidential candidate who receives the most popular votes nationwide. The agreement takes effect only if states with a combined total of 270 electoral votes—a majority—join the agreement. This plan makes every citizen's vote count equally.

I am not representing any organization. Though a registered Democrat, I consider myself foremost a *citizen democrat*, with a small "d." I am here because I'm interested more in the health of our democracy than partisan politics, though that is what I will address.

In recent years, statehouses under partisan control, and in the name of challenging "widespread voter fraud," have disenfranchised millions of our citizens by enacting voter suppression laws that have made it much harder or even impossible for people to vote, especially in swing states.

Draconian Voter ID requirements, demographic voter list purges, targeted polling place closings, same-day registration cancellations, and unprecedented partisan gerrymandering, have all been aggressively undertaken, most effectively in swing states where the last five elections have been determined. Recent attempts there have also been made to change Electoral College rules to get results unattainable at the ballot box.

Thwarting voters in individual states by gaming the mechanics of the elections system has diminished the integrity of our democracy already, and surely dooms it for certain—if it is not stopped at a national level.

I believe enactment of the National Popular Vote legislation, H.B. 5126, will help ensure that election integrity survives, and as such, will provide the only firewall we have against electoral abuse and partisan manipulation in the next Presidential election. By helping to guarantee one person, one vote, here and everywhere—a concept upon which our democracy rests—the NVP Bill will ensure the protection of every Connecticut citizen's vote.

Gerrymandering to gain Congressional seats is, by far, the most effective, but least known, voter suppression tactic yet devised—and *the one abuse that only the National Popular Vote can address*. In the 2010 census year, the GOP vigorously redrew districts to favor themselves in four times as many places as Democrats, or 20 out of 27 states. This was unsurpassed in American history, and created hugely unfair outcomes from state houses to the people's house in 2012.

This partisan gerrymandering resulted in a doubling of GOP veto-proof super majorities in 25 state legislatures (up from 14). And it gave the party overall control of the US House of Representatives, with a shocking 33 seat majority, *despite the loss of the total popular vote in Cong. district races by 1.4 million votes for Congressional candidates*.<sup>i</sup> More shocking, even when candidates received less than 50% of the votes in Congressional races, they still walked away with 60%-75% of the total Congressional House seats.

Joe Scarborough, the TV host of "Morning Joe" said, "In 2012, Republicans owe their majority in the House to gerrymandering." John Boehner retained his gavel and claimed the people had voted for "divided government." But they hadn't; it simply was not true.<sup>ii</sup> What was true was that at the Congressional race level, partisan gerrymandering had turned certain defeat by popular vote into sure election victory.

By any measure, this is the least recognized, but the most effective form of voter disenfranchisement ever practiced in modern times. Princeton Neuroscientist Prof. Sam Wang, in a NYT essay last year, estimated that the number of voters whose ballots were rendered meaningless in 2012 by gerrymandering was 4 million.<sup>iii</sup> {See shockingly candid GOP internal report on gerrymandering, "RedMap: 2012 Summary Report", 11/7/13.<sup>iv</sup>}

***But what does this have to do with the Electoral College (EC) and the National Popular Vote for President?***

As long as Congressional district seats can be controlled through gerrymandering, so, too, can Presidential election outcomes. IF the state's EC votes are determined by Cong. districts, and not by statewide winner-takes-all popular votes, as is true now, the side with the most Cong. district winners takes the most EC votes, and thus decides who becomes President.

So it is not surprising that the GOP is now trying to change the rules for electing Electoral College delegates in swing states—from their current “winner-take-all” popular vote, to whomever wins the Congressional districts there.<sup>v</sup> These EC changes are aimed ONLY at the gerrymandered, GOP-controlled battleground states that went blue in 2012—Michigan, Wisconsin, Ohio, Pennsylvania, and Virginia. *They still want to retain winner-take-all EC allotment rules in the big red states (like TX and LA.)*

And while EC district allotment *sounds fair*, it's not. It will make the elections less competitive than the current system because the vast majority of congressional districts today are completely safe for one party or the other, and thanks to the gerrymand, they are most safe for the GOP. These rule changes wouldn't ensure that the candidate with the most votes wins, they would make the current system worse.

Had such “proportional” plans been in place in these 5 major swing states and Florida, or even in *every* state in 2012, Mitt Romney would have won the election, even though Obama received 3 million more popular votes.<sup>vi</sup> The National Popular Vote bill is designed to circumvent this unrepresentative, electoral “second best” candidate choice.

Neal Peirce, scholar and noted Presidential elections historian says: “These plans (to change the EC) are the most overt effort to rig elections for President of the United States that I've seen in a half century of analyzing and writing about our electoral college system.”<sup>vii</sup> But the GOP likes these plans because they provide another advantage. Democrats tend to live in dense urban areas; they vote and win their districts by huge margins (with

huge numbers of "wasted" votes). Republicans are more spread out in less populated rural areas giving them smaller majorities but in a greater number of districts (with fewer "wasted" votes). The future trend for this demographic will only increase, and in combination with gerrymandering, it will result in safer and safer elections for one party for the next ten years. This means, according to the Brennan Center at NYU, that it will be next to impossible for Dems to reclaim control of the US House or our state houses until 2020, when the new census allows new lines to be redrawn.<sup>viii</sup>

Tying the electoral college's outcome to the national popular vote total would destroy the distorting concept of "swing states," and enfranchise Republican voters in CT or CA alongside Democratic voters in CT or CA. It would nullify the partisan disenfranchisement of the gerrymander, and reduce the impact of voter suppression regimens now infecting our body politic. I urge the CT State Legislature to adopt an effective electoral anti-biotic: the **National Popular Vote** bill. It's the only mechanism that can prevent a rigged 2016 Presidential election.

With this bill, you have a chance to vote for election protection, voter enfranchisement and true democracy in America. The tiny state of CT could play a huge role in making democracy work for all. Vote this Bill out of Committee, help educate your colleagues, and get it to a legislative vote.

Please make Connecticut the eleventh state to join the National Popular Vote compact. Let us not arrive at November 2016, and regret that we did not put this simple, fair, democratic National Popular Vote mechanism into play when we had the chance.

Marta Daniels  
122 Middlesex Ave  
Chester, CT 06412  
Tel: 860-343-3191 Email: [marta.daniels@snet.net](mailto:marta.daniels@snet.net)

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<sup>i</sup> GOP Report, "RedMap: How a Strategy of Targeting State Legislative Races in 2010 Led to a Republican U.S. House Majority in 2013," by the Republican State Leadership Committee, Nov. 7, 2013. According to the Report, "Democratic candidates for the US. House won 1.1 million more votes than their Republican opponents," but "ended up with a 33-seat majority." Republicans who redrew the maps lopped off the Dem parts of the states into ideologically concentrated blue districts (packing), and tipped the balance in all other districts in their favor. The GOP's 233-195 seat majority is the GOP's "second-biggest House majority in 60 years and its third biggest since the Great Depression," according to the Wash. Post's Aaron Blake. Also see "Powerful Supermajorities Elected to Statehouses," David Lieb, AP News, Nov. 19, 2012. According to the National Conference of State Legislatures cited in

the article, "The 2012 vote created a broader tier of powerful one-party Also governments that can act with no need for compromise. Half of state legislatures now have veto-proof majorities, up from 13 only four years ago."

ii "The Great Gerrymander of 2012," Dr. Samuel Wang, New York Times, Feb. 2, 2013, and GOP Report, "RedMap," Also see "If the U.S. Were Really a Democracy, John Boehner Would Be House Minority Leader," Huffington Post, Nov. 13, 2012 and "Gerrymandering Won GOP the House Majority," Sahil Kapur, TPM DC, 1/17/13

In fact the GOP "won" 12 of Ohio's 16 House seats, or 75%, even though they only won 51% of the popular vote. In Pennsylvania, 100,000 or more Dem votes were cast over Republican, but the GOP got 75% of the total seats. In North Carolina and Michigan, Dems each won more than half of all votes, but Republicans claimed 70% and 60% seats respectively.

Joe Scarborough said on the January 20, 2013 Sunday Meet the Press "Republicans owe their majority in the House of Representatives to gerrymandering."

iii "Gerrymander, Part 2: How Many Voters Were Disenfranchised?" Dr. Samuel Wang, Princeton Election Consortium Blog, Jan. 2, 2013. Prof. Wang, a statistical election-modeller, wrote:

In the seven Republican-controlled states, the total votes cast were 16.22 million (50.8%) for Republicans, 15.68 million (49.2%) for Democrats for a 74 R, 32 D outcome. The simulations indicate that this seat split would normally only require 11.7 million Democratic votes. In other words, 4 million Democratic voters in seven states were disenfranchised.

See also, "Ending Gerrymandering and Building a Better Democracy," Steve Coll, New Yorker Magazine, Jan. 10, 2013

iv "RedMap: How a Strategy of Targeting State Legislative Races in 2010 Led to a Republican US House Majority in 2013" by the Republican Leadership Committee, published Nov. 7, 2013. In this shockingly candid report, the Republican Leadership Committee admitted to targeting state legislature races with the intention of drawing new district lines in order to gain a US House majority. "The rationale was straightforward," the GOP wrote:

"...Controlling the redistricting process in these states would have the greatest impact on determining how both state legislative and congressional district boundaries would be drawn...

"...aggregated numbers show voters pulled the lever for Republicans only 49% of the time in congressional races, suggesting that 2012 could have been a repeat of 2008, when voters gave control of the White House and both chambers of Congress to Democrats...

"But, as we see today, that was not the case. Instead, Republicans enjoy a 33-seat margin in the US House seated yesterday in the 113<sup>th</sup> Congress, having endured Democratic successes atop the ticket and over one million more votes cast for Democratic House candidates than Republicans..."

"...One needs to look no farther than four states that voted Democratic on a statewide level in 2012, yet elected a strong Republican delegation to represent them in Congress: Michigan, Ohio, Pennsylvania and Wisconsin...[T]he Republican firewall at the state legislative and congressional level held.

In December, 2012, ProPublica detailed exactly how REDMAP worked, with special emphasis on redistricting in North Carolina, and exploring how the \$30 million RedMap employed in its efforts, bolstered its candidates. See "How Dark Money Helped Republicans Hold the House and Hurt Voters," Olga Pierce, Justin Elliott and Theodor Meyer, ProPublica, Dec. 21, 2012.

v "The GOP's New Voter Suppression Strategy: Gerrymander the Electoral College," Ari Berman, The Nation, Dec. 10, 2012; and "The GOP's Electoral College Plan," Reid Wilson, National Journal, Dec. 17, 2012; and "The Other GOP Plan to Blow Up the Electoral College Vote," Benji Sarlin, TPMDC, Feb. 4, 2013; "Republicans Plan to Use PA to Win the Presidency in 2016," Christopher Moraff, The Philly Post, Feb. 14, 2013; and, "Ohio's GOP Secretary of State Already Has a Plan to Rig the 2016 Election for Republicans," Ian Millhiser and Josh Israel, Think Progress, Nov. 9, 2012; and "RNC's Priebus Proposes to Rig Electoral College so Losing Republicans Can Win," John Nichols, The Nation, Jan. 14, 2013.

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Veto-proof, Republican-dominated state legislatures want to alter their state's current winner-take-all electoral college system to a congressional district allotment system where electors are awarded to the winner of each district. With more "winning" Republican districts, the GOP can control more electoral votes. Ohio Secretary of State, John Husted, is currently offering such a plan; Pennsylvania Gov. Tom Corbett unsuccessfully tried to enact this system last year and is going full speed ahead this year. In addition to PA, the plan is also being pushed now in the swing states of Wisconsin, Michigan and Virginia:

Virginia State Senator Charles "Bill" Carrico Sr. (R) has become the latest swing state-Republican to propose a scheme to rig presidential elections for future Republican candidates. Blue Virginia reports his proposed SB 723 would award the state's electors based on which candidate gets the majority of votes in each gerrymandered Congressional district -- rather than based on who gets the most votes statewide. [...] With a Republican-controlled redistricting passed earlier this year, Virginia Democrats were heavily packed into three districts. Under these maps, Obama won Virginia by almost a 4 point margin, yet he carried just four Virginia Congressional Districts. Were Carrico's scheme in place, Mitt Romney would have received seven of Virginia's 11 electoral votes despite receiving just 47.28% of the vote statewide.

vi Assuming that Mitt Romney won every congressional district that elected a Republican House candidate in key states, the Corbett/Husted plan (named after the Pennsylvania governor and Ohio secretary of state) would have given Romney 17 electoral votes in Florida, 9 in Michigan, 12 in Ohio, 13 in Pennsylvania, 8 in Virginia, and 5 in Wisconsin--for a total of 64 additional electoral votes. Add those 64 votes to the 206 votes Romney won legitimately, and it adds up to exactly 270--the amount he needed to win the White House. Emory University Professor Alan Abramowitz, in a Center for Politics report (UVA) found that if district-based EC plans had been in place nationwide for the 2012 elections, Mitt Romney would have defeated Barack Obama, 276 electoral votes to 262, despite losing the popular vote by 4%. According to Dave Wasserman of the Cook Political Report, Republicans currently hold the majority of House seats in thirty states, compared to seventeen for Democrats, giving them a big advantage in any bid to rig the Electoral College. This is why Reince Priebus, RNC Chairman recently called the district-based EC plan "something that a lot of states that have been consistently blue that are fully controlled red ought to be looking at..." (Republican Leadership Conference in New Orleans. Jan. 10, 2013). In his plans, however, no heavily red state, like Texas or Louisiana, is being considered for such changes.

vii "Electoral College Chicanery," Neal Peirce, Washington Post, Feb. 10, 2013. Peirce, an electoral college scholar, is also the head of Citiwire.net of the Washington Post Writer's Group, and author of the book, *The People's President*.

viii According to NYU's Brennan Center, "Not only did redistricting make it easier for Republicans to keep control of Congress this election...it also may have made it easier for them to keep control over the next decade," Sundeep Iyer and Keesha Gaskins, Staff, Brennan Center on Brennan Center Website, Nov. 14, 2012